

On September 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against the C. F. Sauer Co., a corporation, Richmond, Va., alleging shipment by said company under the name of the American Laboratories (Inc.), in violation of the food and drugs act, in various consignments, on or about July 25, August 21, October 26, and December 14, 1928, respectively, from the State of Virginia into the District of Columbia of quantities of fluid extract of ergot, tincture cinchona compound, tincture nux vomica, tincture belladonna, fluid extract of belladonna leaves, and tincture cinchona, which were adulterated and misbranded. The articles were labeled in part: "Fluidextract Ergot (U. S. P.);", "Tinct. Cinchona, Comp. U. S. P."; "Tinct. Nux Vomica U. S. P."; "Tinct. Belladonna (U. S. P.);", "Fluidextract Belladonna Leaves, U. S. P."; and "Tincture Cinchona, U. S. P."

It was alleged in the information that the articles were adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the tests laid down in the said pharmacopoeia, viz: The said fluid extract of ergot was inert. The said tincture cinchona compound yielded not less than 0.640 gram of the alkaloids of cinchona per 100 cubic centimeters, whereas the said pharmacopoeia provides that compound tincture of cinchona should yield not more than 0.5 gram of the alkaloids of cinchona. The said tincture nux vomica yielded not less than 0.275 gram of the alkaloids of nux vomica per 100 cubic centimeters, whereas the pharmacopoeia provided that tincture of nux vomica should yield from each 100 cubic centimeters not more than 0.263 gram of the alkaloids of nux vomica. The said tincture belladonna yielded not less than 0.0463 gram of the alkaloids of belladonna leaves per 100 cubic centimeters, whereas the said pharmacopoeia provided that tincture of belladonna should yield from each 100 cubic centimeters not more than 0.033 gram of the alkaloids of belladonna leaves. The said fluid extract belladonna leaves yielded not less than 0.518 gram of the total alkaloids of belladonna leaves per 100 cubic centimeters, whereas the said pharmacopoeia provides that fluid extract belladonna leaves should yield from each 100 cubic centimeters not more than 0.33 gram of the total alkaloids of belladonna leaves. The said tincture cinchona yielded not more than 0.526 gram of the alkaloids of cinchona per 100 cubic centimeters, whereas the said pharmacopoeia provided that tincture cinchona should yield from each 100 cubic centimeters not less than 0.8 gram of the alkaloids of cinchona; and the standard of strength, quality, and purity of the said articles was not declared on the container thereof.

Adulteration was alleged for the further reason that the strength and purity of the articles fell below the professed standard and quality under which they were sold in that they were represented to conform to the United States Pharmacopoeia, whereas they did not.

Misbranding was alleged for the reason that the statements, "Fluidextract Ergot (U. S. P.),", "Tinct. Cinchona Comp. U. S. P.", "Tinct. Nux Vomica U. S. P.", "Tinct. Belladonna (U. S. P.),", "Fluidextract Belladonna Leaves U. S. P.", and "Tincture Cinchona U. S. P.", borne on the labels of the respective articles, were false and misleading in that the said statements represented that the articles conformed to the standard laid down in the United States Pharmacopoeia, whereas they did not.

On October 6, 1930, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17753. Misbranding of Goldban's Celebrated 449 remedy. U. S. v. 10 Dozen Bottles of Goldban's Celebrated 449 Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25146. I. S. No. 3515. S. No. 3402.)

Examination of samples of a drug product, known as Goldban's Celebrated 449 remedy, from the herein-described interstate shipment having shown that the labels bore claims of curative and therapeutic properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 17, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 10 dozen bottles of Goldban's Celebrated 449 remedy, remaining in the original unbroken packages at Camden, N. J., alleging that the

article had been shipped by Hance Bros. & White (Inc.), Philadelphia, Pa., in part on or about January 24, 1930, and in part on or about June 23, 1930, and had been transported from the State of Pennsylvania into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of potassium nitrate, methenamine, small amounts of extracts of plant drugs including uva ursi, alcohol and water, flavored with methyl salicylate.

It was alleged in the libel that the article was misbranded in that the following statements regarding the curative or therapeutic effects of the said article, appearing on the bottle and carton labels, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: (Bottle) "Reliable Remedy for Diseases of the Kidneys, Liver and Urinary Organs, the symptoms of which are Dropsy, Pain in the Back and Loins, Hot, Dry Skin, Failing Sight, Sleeplessness, Loss of Appetite and General Low Spirits;" (carton) "A Reliable Remedy for Diseases of the Kidneys, Liver and Urinary Organs, the Symptoms of Which Are Dropsy, Pain in the Back and Loins, Hot, Dry Skin, Failing Sight, Sleeplessness, Loss of Appetite and General Low Spirits. * * * Relieves Weak Back, Backache, Congestion of the Kidneys, Rheumatism, Inflammation of the Bladder, Gravel, Scalding Urine, etc. * * * For Lumbago, Weak-Back, Stone in the Bladder, Bright's Disease, Diabetes, Gravel, Dropsy, Gout, Rheumatism and all Urinary Troubles Resulting in Sleeplessness, Pains in the Back, Loss of Appetite and General Low Spirits."

On October 29, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17754. Misbranding of Iroquois Famous Indian herb tea. U. S. v. 109 Boxes of Iroquois Famous Indian Herb Tea. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 25155. I. S. No. 4534. S. No. 3423.)

Examination of samples of a drug product, known as Iroquois Famous Indian herb tea, from the herein-described interstate shipment having shown that the article contained drugs that were not known to the Indians, and that the labels bore claims of curative properties that the article did not possess, the Secretary of Agriculture reported the matter to the United States attorney for the District of New Jersey.

On September 18, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 109 boxes of Iroquois Famous Indian herb tea, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the Iroquois Famous Indian Remedies Co. (Inc.), from New York, N. Y., on or about August 16, 1930, and had been transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of coriander, fennel, celery, senna, buchu, chamomile, sassafras, and triticum.

It was alleged in the libel that the article was misbranded in that the following statements on the label, "Iroquois Famous Indian Herb Tea, * * * Iroquois Famous Indian Remedies Co. * * * Used by the Indians for centuries," and the design of an Indian's head labeled "Iroquois" were false and misleading, since several of the drugs in the preparation were unknown to the Indians. Misbranding was alleged for the further reason that the following statements regarding the curative or therapeutic effects of the article, borne on the label, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed: "Nervousness, Weakness, Heart-trouble, Kidney and Liver Trouble, Weak Blood, Loss of Appetite, Asthma, Rheumatism, and especially Appendicitis, many times are due to a bad stomach, such as Indigestion * * * A superb vegetable tonic that creates health and strength. Used successfully by thousands of sufferers. It * * * helps to heal the stomach. Drink it when you feel bad, it will help you. A good stomach means good health, a sound body and long life. * * * Two cups a day are suggested for quick relief."